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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,384	12/06/2001	Atsushi Fukuzato	05030020AA	5355
7590	10/14/2005			EXAMINER
Michael E. Whitham, Esq. Whitham, Curtis & Christofferson, PC 11491 Sunset Hills Road- #340 Reston, VA 20190			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WHITHAM, CURTIS &  
CHRISTOFFERSON, PC  
OCT 16 2005  
WITNESS  
CHRISTOFFERSON, PC

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

OIP = 14946  
NOV 01 2005  
U.S. Patent and Trademark Office

Application No.

10/003,384

Examiner

Linda W. Badie

Applicant(s)

FUKUZATO, ATSUSHI

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ropa/preoqnotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Linda Badie 571-272-7019*



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Paper No.

**Letter Withdrawing a Notice of Non-Compliant Amendment**

The Notice of Non-Compliant Amendment mailed on 10-14-05 was sent in error, and is hereby withdrawn. The application is being forwarded to the examiner for appropriate action. (Note: this letter does not apply to any Notice of Non-Compliant Amendment where the amendment was a reply to a final Office action.)

Linda Bodine  
Legal Instruments Examiner (LIE)

571-272-7019  
Telephone No.

**October 19, 2005**

**To: Linda Handler**

**From: Linda Badie**  
**Patent & Trademark Office**  
**571-272-7019**

OCT 19 2005

**Phone: 703-787-7557**

**Pages: 3**

**Attached is the letter of withdrawal of previous non-compliance and a new one attached.**

NOV 01 2005  
U.S. PATENT AND TRADEMARK OFFICE**Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.	Applicant(s)
10/003,384	FUKUZATO, ATSUSHI
Linda W. Badie	2681

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -**

The amendment document filed on 04 October 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
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  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
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  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: CLAIM 9 Is incomplete.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/reognocite/officeflyer.pdf>.

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**Failure to timely respond** to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.